

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA,

v.

Case 1:21-cr-10350-1 LTS

HARRY K. TAM,
Defendant.

DEFENDANT'S DECLARATION IN SUPPORT OF MOTION TO SUPPRESS
STATEMENTS MADE IN CUSTODIAL INTERROGATION

Declarant says as follows pursuant to 28 USC Sec. 1746:

1. My name is Harry K. Tam and I am a defendant being prosecuted in this case.

2. I make this declaration in support of a motion to suppress my responses to custodial interrogation.

3. Boston Police Drug Control Unit, District 14, and the US Drug Enforcement Agency Tactical Diversion Squad arrested me at 23 Mansfield Street in Allston around 4:30PM on May 3, 2021.

4. Task force and uniformed officers detained me and informed me that I was under arrest and placed me in restraints. I was told that I was being arrested for my alleged violation of a restraining order maintained against me by my wife. I was able to see several officers in the vicinity of 23 Mansfield Street while under arrest.

5. Boston Police transported me in restraints to District 14 headquarters and booked me. The D-14 station appeared to be fully staffed with officers.

6. Three Task Force Officers ("TFO's") interrogated me while in custody at D-14. The interrogation was extensive. I was informed that I was under investigation for drug distribution crimes and at risk of substantial punishment. When I mentioned that I should speak to my lawyer before answering questions, I was told that if I did so, agents would not help me and that I would lose my only opportunity to help myself. Under this pressure, I made statements in response to their questions.

7. The circumstances of my interrogation were intimidating. I was an active drug user at the time of my arrest and was apprehensive about going into withdrawal in custody.

8. Under these pressures, I responded to the TFO's interrogation in the hope of leniency, release on bail and avoidance of the painful symptoms of withdrawal.

9. At no time was I informed of my right to remain silent or to stop answering questions, nor was I informed of my right to have counsel present during questioning or that counsel would be provided me if I could not afford to pay a lawyer. I have

reviewed the Boston Police booking sheet from my arrest that contains the notation "informed of rights:BPD 103602 Thomas Killon". I have no memory of this (or any other officer) reading me my rights and do not believe it happened.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April __, 2023

Harry K. Tam, Defendant

CERTIFICATE OF SERVICE

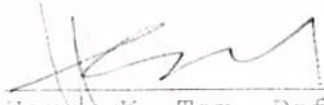
Counsel certifies that he has caused a true copy of this document to be served today, April __, 2023, on the attorneys for all the parties through the CM/ECF system of this District as set forth in the Notice of Electronic Filing and that no party requires service by other means.

/s/Kevin L. Barron
Kevin L. Barron, Esq.

reviewed the Boston Police booking sheet from my arrest that contains the notation "informed of rights:BPD 103602 Thomas Killen". I have no memory of this (or any other officer) reading me my rights and do not believe it happened.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 26, 2023


Harry K. Tam, Defendant

CERTIFICATE OF SERVICE

Counsel certifies that he has caused a true copy of this document to be served today, April ___, 2023, on the attorneys for all the parties through the CM/ECF system of this District as set forth in the Notice of Electronic Filing and that no party requires service by other means.

/s/Kevin L. Barron
Kevin L. Barron, Esq.